

Notice of Allowability	Application No.	Applicant(s)	
	10/663,730	NOTO ET AL.	
	Examiner	Art Unit	
	Sheela C. Chawan	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/28/07.
2. ☒ The allowed claim(s) is/are 1-15 and 18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) <u>12/26/06, 6/6/07</u> | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>See Continuation Sheet</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 10/11/05, 8/2/05, 7/5/05 and 11/14/03.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 9/28/07 has been entered.
Claim 17 is canceled.
Claims 1-15 and 18 are pending in the application.

Response to Arguments

2. Applicant's arguments filed on 9/28/07 have been fully considered and are persuasive see remarks on page 9 lines 3-7, 15-17, page 10, line 5-7 with respect to claims 1-18 under 102(b) rejection are withdrawn and all the pending claims 1-15 and 18 are allowed.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. Information Disclosure Statement submitted on 10/11/05, the examiner has considered 8/2/05, 7/5/05 and 11/14/03.

Drawings

5. Drawings filed 9/7/03 have been approved by the examiner.

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 1-15 and 18 are allowed.

Applicant's arguments see page 9 lines 3-7, 15-17, page 10; line 5-7, of the remark filed on 9/28/07. The prior art of record Yang et al., (US 5,923,380) discloses a method for replacing the background of an image. In particular, Yang indicates that an original background may be replaced with a preselected background, and Yang indicates that two infrared images, with different intensities of infrared illumination and produced by background IR light 110 and front IR light 116, are compared to produce a difference image of light intensity differences between corresponding pixels of the two images. In other words, describes capturing images generated with multiple light sources (e.g., background IR light 110 and front IR light 116) and comparing the resulting image. Yang fails to teach or suggest "the different illumination conditions in which the at least two images of the subject are captured are generated by means of a single light source," and fails to teach or suggest a "unit that computes a pseudo depth value for each pair of corresponding pixels of at least two images that are captured in different illumination conditions, where the different illumination conditions are generated by means of a single light source". C. Marc Bastuscheck (technique for real time generation of range images IEEE 1989 -IDS), discloses a techniques for real time generation of range images based on optical triangulation and time of flight techniques. Bastuscheck fails to teach or suggest "computing a pseudo depth value for each pair of corresponding pixels of at least two images of the subject captured in different illumination conditions generated by means of a single light source", as commonly included in each of the independent claim 1, 9 and 18, the prior art of record fails to

teach either singularly or in combination, fails to anticipate or render the above limitations obvious.

7. Any comments considered necessary by applicant must be submitted on later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.


Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
Dec 3, 2007


SHEELA CHAWAN
PRIMARY EXAMINER